

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 3 – SB 41

April 3, 2018

SUMMARY OF ORIGINAL BILL: Adds licensed clinical social workers to the list of persons exempt from subpoena to trial but subject to subpoena to a deposition.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016527): Deletes all language after the enacting clause and rewrites the proposed legislation to limit the exemption from subpoena to trial to licensed clinical social workers who are engaged solely in independent clinical practice and who are involved in actions in which the Department of Children's Services (DCS) is the petitioner or intervening petitioner.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tennessee Code Annotated § 24-9-101 exempts certain individuals and professionals from subpoena to trial but subjects them to subpoena to a deposition. These include a member of the General Assembly, an officer of the United States, a practicing physician, and a custodian of medical records.
- The proposed legislation adds licensed clinical social workers engaged solely in independent clinical practice to the list of persons exempt from subpoena to trial but subject to a subpoena to a deposition, but only in proceedings in which the DCS is the petitioner or intervening petitioner.
- It is assumed that the proposed legislation will not significantly impact litigation involving state or local governmental entities and will not significantly impact the caseloads or operations of the courts or DCS.
- The Administrative Office of the Courts confirms that the proposed legislation will not significantly impact its caseload or operations.
- The proposed legislation will not significantly impact DCS operations.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm